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OFFICE OF PETITIONS

In re Application of
Chan, et al.
Application No. 09/069,054
Filed: April 28, 1998
Attorney Docket No. ACT-233

ON RENEWED PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b), filed May 7, 2002 (Certificate of Mailing dated April 26, 2002), to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely file a proper response to the final Office action mailed September 7, 2000, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on December 8, 2000. A Notice of Abandonment was mailed on April 5, 2001. On October 16, 2001, petitioner filed a petition to revive under 37 CFR 1.137(b). However, because the amendment submitted on petition did not *prima facie* place the application in condition for allowance, the petition was dismissed in a decision mailed on March 4, 2002.

Petitioner has met the requirements for a grantable petition under 37 CFR 1.137(b). Petitioner previously paid the petition fee with the petition on October 16, 2001, submitted a reply in the form of a Request for Continued Examination (RCE) under 37 CFR 1.114 (with fee), including a submission in the form of an amendment, and made a statement of unintentional delay.

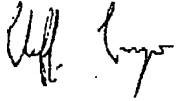
37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The statement contained in the instant petition varies from the language required by 37 CFR 1.137(b)(3). The statement contained in the instant petition is being construed as the statement required by 37 CFR 1.137(b)(3). Petitioner must notify the Office if this is not a correct interpretation of the statement contained in the instant petition.

Application No. 09/069,054

Page 2

The application file is being forwarded to Technology Center 2800 for consideration of the RCE and the submission, an amendment filed May 7, 2002.

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 305-0272.



Cliff Congo
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for Patent Examination Policy